

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

This matter comes before the Court under Local General Rule 8(c). On April 13, 2007, plaintiff Keith L. Nash filed an “Affidavit of Prejudice” (Dkt. #110). The Honorable Karen L. Strombom, United States Magistrate Judge, declined to recuse herself voluntarily and the matter was referred to the Chief Judge for review (Dkt. #112). On April 30, 2007, this Court denied plaintiff’s request to remove Judge Strombom (Dkt. #115). Plaintiff then moved for reconsideration of this order, and the matter was again referred to the Chief Judge for review. See Motion for reconsideration (Dkt. #117); May 14, 2007 docket minute entry referring the motion to the Chief Judge. Plaintiff’s motion for reconsideration is therefore ripe for review by this Court.

Motions for reconsideration are disfavored in this district, and the “court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to [the court’s] attention

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

earlier with reasonable diligence.” Local Civil Rule 7(h)(1). Plaintiff claims this Court’s prior ruling was “manifest error” because it “failed to provide an opinion regarding whether Magistrate Judge Karen L. Strombom is in violation for been [sic] assigned to plaintiff’s current case because she previously presided over that plaintiff’s previous civil right[s] actions regarding defendant Doug Waddington[.]” Motion at 2-3. In ruling on plaintiff’s “Affidavit of Prejudice,” the Court considered paragraph two, which states: “I have had the Magistrate Judge Karen L. Strombom in all of my 42 U.S.C. § 1983 Civil Rights actions . . . which [sic] both cases were recommended to be dismissed by this judge.” See Dkt. #110 at ¶2.

Contrary to plaintiff’s assertion, however, there was no manifest error in the Court’s April 30, 2007 “Order Denying Plaintiff’s Request to Remove Judge Strombom.” Plaintiff’s objection to Judge Strombom’s assignment to this case is not a “violation” justifying recusal because conduct in the course of judicial proceedings, including prior judicial proceedings, does not constitute the requisite bias under 28 U.S.C. § 144 and § 455 if it is prompted solely by information that the judge received in the context of the performance of her duties as the presiding judicial officer. Accordingly, plaintiff has not met his burden under Local Civil Rule 7(h)(1) because his motion does not present any new facts or legal authority that was not raised in his initial recusal motion and he has not shown “manifest error” in the Court’s prior ruling.

Therefore, for all of the foregoing reasons, plaintiff’s “Motion for Reconsideration” (Dkt. #117) is DENIED.

DATED this 27th day of June, 2007.



Robert S. Lasnik
United States District Judge